

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN and Graeme Leslie  
Serial no. : EVANS  
Filed : 10/583,121  
with an effective filing date of December 17,  
2004  
For : METHOD FOR ELECTROLYTIC  
ENGINEERING OF NANO-PARTICULATE  
LAYERS  
Docket : GRIHAC P48AUS

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION BY JOINT INVENTOR FILING ON BEHALF OF OTHER  
JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE  
REACHED (37 C.F.R. §1.47(a))**

Dear Sir:

I, Graeme Leslie EVANS, the second joint inventor of the above identified application, hereby signs below and petitions to make this application on behalf of the first non-signing joint inventor, namely, Igor Lvovich SKRYABIN who refuses to join in this application.

This petition is accompanied by proof of the pertinent facts, set forth in the accompany Statement of Facts in Support of Filing on Behalf of Non-signing Inventor (37 C.F.R §1.47), and the last known address of the non-signing inventor.

The associated petition fee set forth in §1.17(g) in the amount \$200, as required by 37 C.F.R. §1.47(a), is paid herewith.

Respectfully submitted,

7/02/07  
Date

GLE  
Graeme Leslie EVANS

(Rev. 10-2-2005 Pub. 605)

FORM 1-6

1-55

Practitioner's Docket No. GRIHAC P48AUS**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Igor Ivovich SKRYABIN and Graeme Leslie EVANS  
For: METHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE LAYERS

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto effectively  
(b) ☒ was filed ~~on~~ Dec. 17, 2004 as Application Serial No. 10/583,121  
and was amended on \_\_\_\_\_ (if applicable).  
(c) ☐ was described and claimed in International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 8th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6] page 1 of 7)

NOTE: Copies of documentary evidence, such as Internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 8th ed.

### IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name

Lorne Wood-Roe

Address

c/- Griffith Hack, Level 29, Northpoint, 100 Miller Street,

North Sydney NSW 2060

### EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND OBTAIN INVENTOR'S SIGNATURE

NOTE: In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.

Griffith Hack Patent and Trade Mark Attorneys assumed conduct of this application on or around February 2006. This was after the expiry of the convention year and I am unsure of what efforts were made to obtain the inventor's signature at that time.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-8]—page 2 of 7)

(Rev. 102-3/05 Pub. 605)

FORM 1-6

1-57

**LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR****NOTE:** MPEP, § 409.03(e), 8th Edition:

*"An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor.*

*"That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.*

*"Inasmuch as a nonsigning inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the nonsigning inventor may be reached should also be given."*

---

Full name of nonsigning inventorIgor Lvovich Skryabin

---

Last known address of nonsigning inventorLast known address 76 Schlich Street, Yarralumla ACT 2600 Australia

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 3 of 7)

**DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR**

**NOTE:** Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS or both, in applicable circumstances.

**NOTE:** "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 4 of 7)

(Ref. 102-3/05 Pub. 605)

FORM 1-6

1-59

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR  
TO SIGN APPLICATION PAPERS**

**NOTE:** Complete either these facts or the facts as to **DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR** or both, in applicable circumstances.

**NOTE:** MPEP, § 409.03(d), 8th Edition:

"A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPO 80 (Comm'r Pat. 1956).

"Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

"Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

"When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition."

By way of background, inventor Igor Skryabin has already refused to sign application paperwork in connection with United States patent application numbers 10/570,530 and 10/577,971 and I have previously made declarations relating to these applications.

On 10 August 2006 I forwarded by email Combined Declaration, Power of Attorney and Assignment forms in respect of this application being the United States national phase of international application PCT/AU2004/001768. I attach a copy of the email I sent to Igor Skryabin dated 10 August 2006.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 5 of 7)

(rel. 102-3/05 Pub.605)

FORM 1-6

1-59

**Supplemental Page**

I received no reply to my email 10 August 2006 and on 16 August 2006 I sent a subsequent email to Igor Skryabin again forwarding him the forms and asking if he would be prepared to sign them. A copy of that email is attached. In that email I also reminded Igor that I had in my possession a copy of an Assignment document signed by him transferring rights to the invention.

On 21 August 2006 I received a letter dated 17 August 2006 from William Szekely of Szekely & Associates. A copy of that letter is attached. In that letter William Szekely refers to emails forwarded to their client on 9 August 2006 and 15 August 2006. I understand that they are referring to the emails I sent to Igor Skryabin.

In his letter of 17 August 2006 William Szekely explains that Igor is an inventor of the invention the subject of international patent application PCT/AU2004/001768. He also explains that inventor Igor Skryabin was a director of the applicant company at the time the invention was made.

Igor Skryabin is in dispute with his former employer and the issue of signing application paperwork has become an issue between the parties. It appears that Igor Skryabin is now refusing to cooperate with signing paperwork of any type as a matter of routine.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]-page 5a of 7)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE  
OR PRESERVE THE RIGHTS OF THE PARTIES**

**NOTE:** This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

M.P.E.P. § 409.03(g), 7th ed.

*(if this proof is not needed and not being presented,  
then draw a line through this page of the form.)*

*(use Supplemental Page(s), if necessary)*

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 6 of 7)

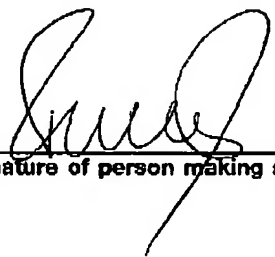


(Rel.102-3/05 Pub.605)

FORM 1-6

1-61

Date: 8 September 2006

  
Signature of person making statement

☐ Plus \_\_\_\_\_ Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 7 of 7)

**Lorne Wood-Roe**

---

**From:** Lorne Wood-Roe  
**Sent:** Wednesday, 16 August 2006 11:15 AM  
**To:** 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'; 'Igor Skryabin'  
**Subject:** RE: Forms for signing Our ref:FP23978  
**Attachments:** Combined Declaration; Power of Attorney and Assignment for PCTAU2004001768.pdf

Igor,

I have not heard back from you but I thought I'd just remind you that you have already signed an assignment relating to this invention at the time the due diligence was carried out in preparation for the Dyesol prospectus.

Are you prepared to sign these forms?

Lorne

---

**From:** Lorne Wood-Roe  
**Sent:** Thursday, 10 August 2006 2:33 PM  
**To:** 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'; 'Igor Skryabin'  
**Subject:** Forms for signing Our ref:FP23978

Dear Igor,

We spoke recently and I mentioned that I had some more forms for you to sign.

The forms in question are attached.

Are you willing to sign these forms?

Lorne

Lorne Wood-Roe

Senior Associate

GRIFFITH HACK

Level 29, Northpoint

100 Miller Street

North Sydney NSW 2060

Tel. + 61 2 9925 5900

Fax. + 61 2 9925 5911

lorne.woodroe@griffithhack.com.au

[www.griffithhack.com.au](http://www.griffithhack.com.au)

\*\*\*\*\*  
This email is strictly confidential, and may be subject to legal professional privilege. If

you have received it in error, please contact us immediately. Confidentiality and/or

privilege will not be waived, lost or destroyed if it is transmitted in error. Only the



addressee may read, copy and/or use it. We use virus scanning software but exclude

all liability for viruses or similar in it or any attachment to it.

\*\*\*\*\*



**Lorne Wood-Roe**

---

**From:** Lorne Wood-Roe  
**Sent:** Thursday, 10 August 2006 2:33 PM  
**To:** 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'; 'Igor Skryabin'  
**Subject:** Forms for signing Our ref:FP23978  
**Attachments:** Combined Declaration, Power of Attorney and Assignment for PCTAU2004001768.pdf

Dear Igor,

We spoke recently and I mentioned that I had some more forms for you to sign.

The forms in question are attached.

Are you willing to sign these forms?

Lorne

Lorne Wood-Roe

Senior Associate

GRIFFITH HACK

Level 29, Northpoint

100 Miller Street

North Sydney NSW 2060

Tel. + 61 2 9925 5900

Fax. + 61 2 9925 5911

lorne.woodroe@griffithhack.com.au

[www.griffithhack.com.au](http://www.griffithhack.com.au)

\*\*\*\*\*  
This email is strictly confidential, and may be subject to legal professional privilege. If

you have received it in error, please contact us immediately. Confidentiality and/or

privilege will not be waived, lost or destroyed if it is transmitted in error. Only the

addressee may read, copy and/or use it. We use virus scanning software but exclude

all liability for viruses or similar in it or any attachment to it.  
\*\*\*\*\*



17 August 2006

Our ref: WMS:mv:22K6032

Lorne Wood-Roe  
Griffith Hack  
Patent and Trade Mark Attorneys  
Sydney Office  
Level 29, Northpoint  
100 Miller Street  
North Sydney NSW 2060



By facsimile; 9925 5911

Dear Sir,

FP 23978

**Re: International Patent Application PCT/AU2004/001768**

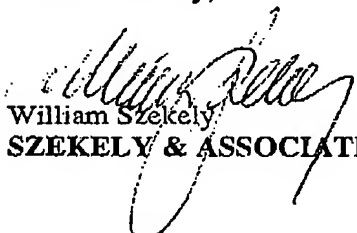
We refer to the email that you forwarded to our client on 9 August 2006 and on 15 August 2006.

We have written to Sneddens with whom we are communicating relating to Dyesol Ltd and interests associated with the Tullochs. We ask you to communicate with Tal Williams of Sneddens and to abide communications between us and Sneddens.

We consider it unfair and inappropriate for the question that you have posed to our client, to be simply put without the overall context of the issues between the parties.

We would be grateful if you would in the interim, perhaps outline to us the basis upon which you call upon our client to do anything in relation to the invention of which he is a co-inventor. You will be aware that our client was never employed by Smart Technologies Australia Pty Ltd but was a director and shareholder and we are questioning validity of any assignment that may have happened in the past.

Yours faithfully,

  
William Szekely  
SZEKELY & ASSOCIATES"



William Szekely  
Principal

Level 4, 55 York Street  
Sydney NSW 2000  
DX 708 Sydney

Telephone 61 2 9290 3222  
Facsimile 61 2 9290 3866  
Mobile 0418 464 056  
email: szeklex@szeklex.com.au

WM(2505:1708)ryale:)

Liability limited by a scheme approved under Professional Standards Legislation

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN and Graeme Leslie  
Serial no. : 10/583,121  
Filed : with an effective filing date of December 17,  
2004  
For : METHOD FOR ELECTROLYTIC  
ENGINEERING OF NANO-PARTICULATE  
LAYERS  
Docket : GRIHAC P48AUS

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

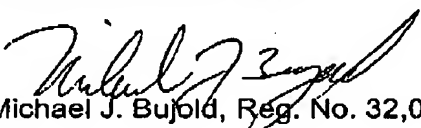
## DECLARATION BY MICHAEL J. BUJOLD

Dear Sir:

Further to the Petition by the Joint Inventor(s) on Behalf of the Other Joint Inventor(s) and the accompanying Statement of Facts, please be advised that the undersigned forwarded a letter, on October 16, 2006, to inventor Igor Lvovich SKRYABIN ("Mr. Skryabin") which included a Declaration and Power of Attorney form along with a copy of the application papers—see enclosed copy of that letter. In response to my October 16, 2006 letter, I receive the attached November 1, 2006 email reply from Mr. Skryabin.

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issuing thereon.

Respectfully submitted,

  
Michael J. Bujold, Reg. No. 32,018

March 19, 2007

MICHAEL J. BUJOLD  
(ADMITTED IN NH & ME)

NEAL E. FRIEDMAN  
(ADMITTED IN MA ONLY)

SCOTT DANIELS  
(ADMITTED IN NH)

JAY S. FRANKLIN  
(AGENT)

LAW OFFICES  
**DAVIS & BUJOLD, P.L.L.C.**  
112 PLEASANT STREET  
CONCORD, NEW HAMPSHIRE 03301-2931  
UNITED STATES OF AMERICA

TELEPHONE (603) 226-7490  
FACSIMILE (603) 226-7499  
E-mail: patent@davisandbujold.com

OF COUNSEL

GARY D. CLAPP  
(ADMITTED IN MA ONLY)

RETIRED

ANTHONY G.M. DAVIS  
(ADMITTED IN NY ONLY)  
CHARTERED PATENT AGENT (U.K.)  
EUROPEAN PATENT ATTORNEY

BOSTON ADDRESS:  
P.O. BOX 67463  
BROOKLINE MA 02467  
(617) 327-1238

October 16, 2006

Dr. Igor Skryabin  
76 Schlich Street  
Yarralumla ACT 2600  
AUSTRALIA

RE: Igor Lvovich SKRYABIN and Sylvia Medlyn TULLOCH  
U.S. Patent Appln. No. 10/570,530  
filed with an effective filing date of May 21, 2004  
COMBINED PHOTOELECTROCHEMICAL CELL AND CAPACITOR  
Our ref: GRIHAC P46AUS  
Your ref: LWR:TJS:GAH:FP23432

Igor Lvovich SKRYABIN, George PHANI, Sylvia Medlyn TULLOCH, Graeme  
Leslie EVANS and Ben JAUSNIK  
U.S. Patent Appln. No. 10/577,971  
filed with an effective filing date of November 3, 2004  
MULTILAYERED PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE  
Our ref: GRIHAC P47AUS  
Your ref: FP23684

Igor Lvovich SKRYABIN and Graeme Leslie EVANS  
U.S. Patent Appln. No. 10/583,121  
filed with an effective filing date of December 17, 2004  
METHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE  
LAYERS  
Our ref: GRIHAC P48AUS  
Your ref: LWR:JBW:FP23978

Dear Dr. Skryabin:

Thank you for your letter of October 4, 2006 concerning the above referenced matters. We note that you acknowledge you are one of the true and actual inventors of each of the above identified applications.

The purpose of this letter is to merely ask you to sign and date the enclosed Declaration and Power of Attorney forms so that our office may proceed with efficient prosecution of each of the above identified applications before the United States Patent and Trademark Office. As you are probably aware, the Declaration and Power of Attorney merely provides our office with power to prosecute these applications before the United States Patent and Trademark Office but does not, in any way, affect ownership of these applications. That is, unless and until the above identified

FOREIGN AND DOMESTIC

Dr. Igor Skryabin  
October 16, 2006  
Page 2


Our Ref: ~~GRIHAC P46AUS~~  
~~GRIHAC P47AUS~~  
GRIHAC P48AUS

applications are assigned, ownership in and to those applications will remain in the name of the true and actual inventors.

In view of the above clarification, we ask that you please reconsider this matter. Assuming you are in agreement, we ask that you please review the enclosed application papers and, if acceptable, please sign, date and return the enclosed Declaration and Power of Attorney forms to our office for filing with the United States Patent and Trademark Office at an early date. A self address envelope is enclosed to facilitate return of the signed Declaration and Power of Attorney forms. Signing and returning the enclosed Declarations will prevent a potential loss of patent rights for each of these cases but will not, in any way, affect ownership of these patent applications.

If you or your Attorney has any questions concerning any of these matters, please contact our office.

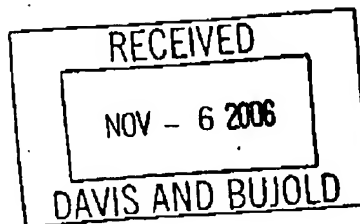
Yours sincerely,  
DAVIS & BUJOLD, P.L.L.C.

  
Michael J. Bujold

MJB:tac  
Enclosures

cc: William Szekely (with enclosures)  
Lorne Wood-Roe





1 November 2006

Your Ref: GRIHAC P46-47-48AUS

Michael J Bujold  
Davis & Bujold, PLLC  
112 Pleasant Street,  
Concord, New Hampshire,  
USA, 0331-2931  
Fax: +1 603 226 7499

Dear Sir,

Re: US Patent Appln's Nos 10/570,530; 10/577,971 & 10/583,121

I refer to previous correspondence and notably my letters of 6-Sep-06 and 4 Oct 06, attachments to these letters and your reply of 16 October 06.

I have written to you previously to prevent misrepresentation of my position as regards any Applications to the USPTO, from arising. I again seek clarification regarding the patent applications concerned. To date I have not received any meaningful responses to the questions raised when such enquiry has been raised by me or my Australian solicitors with Griffith Hack who instruct you, or with Snedden Hall and Gallop, who act for Dyesol generally in the related matters. Instead Griffith Hack, acting for Dyesol, is trying to assert that it is entitled to 'assume' that I refused to sign any documents relating to any patent applications.

On 10-October-06, Lorne Wood-Roe of Griffith Hack in regards to my letter to you of 4 October 2006, stated:

*"From the content of the attachments to your letter, there seems to have been an assumption made on your part that it is important to Dyesol that you sign the forms that I have sent to you in recent times. I think you may have overestimated the importance to Dyesol of you signing these forms. I think that could be why you are not receiving replies to some of the letters Bill Szekely has sent. It just is not that big an issue. It is only a formality."*

Although Griffith Hack representing Dyesol considers this matter as a non-important "formality", my understanding has at all times been in relation to patent law that in the US in particular, a declaration before the USPTO is important and more than just a formality.

Once again I confirm that before I can consider signing any declarations, the clarifications that I have been requesting should unequivocally be given to me. I refer to the letter from my solicitors, Szekely & Associates to Snedden Hall & Gallop of 25 Aug 06.

Consequently I state that it is clearly premature and inappropriate for any misrepresentations or self serving assumptions about what I have asked to be made in an endeavour to undermine the situation and further Dyesol's attempts (through Griffith Hack) to present the situation to you and the USPTO as if I simply refused to sign the forms. - it is clearly not the case!

Indeed it was Dyesol and STI that persistently refused to answer my questions, thus preventing me from signing these forms.

I agree with your explanations concerning ownership of the patents and, in particular, your statement that "unless and until the above identified applications are assigned, ownership in and to those

*applications will remain in the name of the true and actual inventors". In July 2006 I notified Mr. Richard Caldwell, who is the chairman of Dyesol, that assignment of STI patents was not complete at all. I shall bring this again to his attention.*

Your explanation is, however, in contradiction with the position taken by Dyesol as expressed by Griffith Hack and Snedden Hall & Gallop. In his letter of 29 Sep 06 Tal Williams who formerly acted for Dyesol writes:

*"It is relevant to note that your client is not 'assigning' (per your offer) anything to my client. I accept the position put to you by Griffith Hack that your client does not have any rights in relation to the Patent except to be named as one of the inventors. He has been so included and simply needs to sign to enable registration".*

It seems that, unfortunately, the full details of this were not communicated to you and you are not in possession of first hand knowledge related to these inventions..

I sincerely hope that the issues will be resolved in terms of the letter of 13 October 2006 sent by Szekely & Associates representing myself to Snedden Hall & Gallop (who represent Dyesol and who are in possession of full details regarding this matter).

At the same time, please ensure that you prevent any misrepresentation of my position to the USPTO having regard to the commercial and professional ramifications of such a misrepresentation. Any representations portraying my inquiries and concerns as refusal to cooperate are incorrect and will be vigorously agitated as such, if necessary to the USPTO.

As recently as 26 Oct 06, Lorne Wood-Roe once again wrote that Dyesol " ...will be using existing agreements... to record assignments". Dyesol disregards, however, my inquiries and avoids confirming the fundamental agreement and associated arrangements that were pre-requisites to the execution of the existing Deeds.

In the absence of confirmation from Dyesol, any purported assignment documents that may be presented to you are clearly subject to doubt from the standpoint of the criteria necessary for the USPTO. For more details on this issue I refer to my letter to you of 6 September 06. I therefore take it that my correspondence with you (including this letter) will be communicated to the USPTO for inclusion in the files of the inventions concerned.

Thank you



Igor Skryabin

Dr Igor Skryabin  
76 Schlich St  
Yarralumla  
ACT 2600  
Australia